

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON THOR LEONARD,

Plaintiff,

v.

CALIFORNIA STATE PRISON
SACRAMENTO, et al.,

Defendants.

No. 2:22-cv-01231 WBS SCR P

ORDER

For the second time, plaintiff has filed a “Motion for Discovery” requesting an order compelling the California Department of Corrections and Rehabilitation to produce security camera footage from California State Prison- Sacramento from June 30, 2020. (ECF No. 37; see also ECF No. 34.) Plaintiff’s motion addresses the relevance and necessity of the material requested. (Id. at 5-6.)

As plaintiff was previously informed in the discovery and scheduling order filed on March 21, 2024 (ECF No. 27 at 5-6), and in the previous order denying plaintiff’s first “Motion for Discovery,” requests for discovery material such as camera footage shall not be filed with the court except when required by Local Rules 250.1, 250.2, 250.3, and 250.4. ***Instead, discovery requests shall be served on the opposing party’s attorney if the opposing party is represented by counsel.*** (Id. at 5 (emphasis added).) The court’s prior order also cautioned the parties that filing discovery requests or responses, except as required by rule of court, could result in an order of

1 sanctions. (Id.) As plaintiff was previously informed when the court denied his initial “Motion for
2 Discovery,” “*plaintiff must serve a discovery request to a named defendant by serving it to*
3 *defendants’ counsel before requesting this court to compel production of the material.*” (ECF
4 No. 35 at 32 (emphasis added).)

5 Plaintiff’s motion for discovery does not indicate plaintiff served a request for the desired
6 security camera footage to defendants’ counsel, and defendant opposes the motion to compel,
7 indicating plaintiff did not do so. (ECF No. 38 at 2.) Plaintiff’s pro se status does not excuse non-
8 compliance with the Federal Rules of Civil Procedure, the court’s local rules, or the court’s
9 orders. See McNeil v. United States, 508 U.S. 106, 113 (1993). Pro se litigants are expected to
10 know and comply with the rules of civil procedure. See American Ass’n of Naturopathic
11 Physicians v. Hayhurst, 227 F.3d 1104, 1108 (9th Cir. 2000). Therefore, plaintiff’s motion for an
12 order compelling discovery which plaintiff has not requested from defendant’s counsel will again
13 be denied without prejudice.

14 Plaintiff also moves to extend the discovery deadline and defendant does not oppose the
15 request. Good cause appearing, the court will adjust the case schedule to allow plaintiff an
16 opportunity to request the desired security camera footage from defendant’s counsel. All requests
17 for discovery pursuant to Rules 31, 33, 34, or 36 of the Federal Rules of Civil Procedure shall be
18 served not later than sixty days prior to the discovery deadline, and the court will not look
19 favorably on a further request to extend the discovery deadline for this purpose.

20 For the reasons set forth above, IT IS ORDERED as follows:

- 21 1. Plaintiff’s motion for discovery (ECF No. 37) is denied without prejudice.
- 22 2. Plaintiff’s unopposed motion to extend the discovery deadline (ECF No. 36) is granted
23 to the extent that the close of discovery is extended to 75 days from the date of this
24 order solely for the purpose of plaintiff’s request for discovery consisting of security
25 camera footage.
- 26 3. On the court’s own motion, the dispositive motion deadline is extended to 120 days
27 from the date of this order.

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4. In all other respects the court's prior Discovery and Scheduling Order (ECF No. 27) is unchanged.

5. Plaintiff shall promptly serve his request for the desired security camera footage on defendant's counsel.

DATED: November 8, 2024


SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE